

#8

Rec'd PCT/PTO 22 NOV 2002

BOX DAC
PATENT
0599-0205P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hikaru SUGII et al. Conf.:
Appl. No.: 09/719,875 Group: Unassigned
Filed: March 12, 2001 Examiner: UNASSIGNED
For: BIAXIALLY ORIENTED POLYESTER FILM,
PRODUCTION METHOD THEREOF, AND MAGNETIC
RECORDING MEDIUM

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)

Attention: Office of Petitions
Assistant Commissioner for Patents
BOX DAC
Washington, DC 20231

November 22, 2002

Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

Note: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- Small entity - fee \$640.00 (37 C.F.R. § 1.17(m)).
Applicant claims small entity status. See 37 C.F.R.
§ 1.27.
- Other than small entity - fee \$1,280.00 (37 C.F.R.
§ 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Notice to File Missing Parts of Application in the form of the fee with the filing of the application and the Letter Submitting Additional Documents for Entering National Phase for a PCT Application (identify type of reply):
- has been filed previously on December 19, 2000 and March 12, 2001, respectively.
- is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 C.F.R. § 1.20(d)) of \$55.00 for a small entity or \$110.00 for other than a small entity) disclaiming the required period of time is enclosed herewith.

4. Statement: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional. The Response to the Notice to File Missing Parts was timely filed as evidenced by the attached date-stamped postcard. An incorrect serial number was

inadvertently placed on the documents, i.e. 09/719,075 as opposed to the correct number of 09/719,875. We are in the process of obtaining a Declaration which correctly identifies the application from the Applicants. This typographical error was accidental and unintentional.

Also enclosed is a copy of our canceled check no. 5024399 as evidence that the fees in connection with the Notice to File Missing Parts were received by the USPTO.

- Check(s) in the amount of \$1,280.00 is/are enclosed.
- Please charge Deposit Account No. 02-2448 in the amount of \$0.00. This form is submitted in triplicate.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By _____


Andrew D. Meikle, #32,868

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(703) 205-8000

ADM/csm
0599-0205P

Attachments:

- Fee Payment
- Additional sheets containing statements establishing unintentional delay
- Other: Date-stamped postcard receipt and canceled check no. 5024399